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ACTION L-03

INFO OCT-01 IO-12 ADP-00 MC-02 NSF-04 OTP-02 AF-10 ARA-11
EA-11 EUR-25 NEA-10 RSC-01 GAC-01 ACDA-19 CIAE-00
DODE-00 PM-09 INR-10 NSAE-00 NASA-04 NSC-10 SCI-06
PA-03 PRS-01 USIA-12 RSR-01 /168 W

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E.O. 11652: N/A
TAGS: TSPA, PFOR, UN
SUBJECT: OUTER SPACE LEGAL: MOON TREATY-RESOURCES: REGISTRATION-MAKING

1. LSC MORNING SESSION APRIL 4 OPENED WITH STATEMENTS BY CZECH AND ITALIAN DELS COVERING BOTH TOM AND REGISTRATION, FOLLOWED BY FRENCH DEL SPEAKING IN SUPPORT OF CERTAIN SPECIFIC PROVISIONS OF C-F DRAFT REGISTRATION TREATY, AFTER WHICH SESSION WAS CONCLUDED. DELS RECONVENED IN PM FOR FIRST SESSION AS WORKING GROUP II (REGISTRATION), CHAIRED BY AUSTRIAN REP (TUERK).

2. CZECH DEL DELIVERED HIS FIRST GENERAL STATEMENT OF THE CURRENT LSC SESSION. HE SAID WITHOUT AMPLIFICATION THAT LUNAR RESOURCES CONSTITUTE A SIGNIFICANTLY DIFFERENT SITUATION FROM THAT OF SEABED RESOURCES, AND THAT THEIR TREATMENT IN ART X OF TOM SHOULD REMAIN GENERAL FOR THE PRESENT. HE EXPRESSED SUPPORT FOR A REGISTRATION AGREEMENT WHICH WOULD IMPLEMENT THE VOLUNTARY UN REGISTRATION SYSTEM NOW BEING FOLLOWED, AND WITH THE CONTENT OF INDIVIDUAL NATIONAL REGISTERS TO BE DETERMINED UNILATERALLY BY EACH STATE PARTY FOR ITSELF.

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EM ITALIAN DEL (CAPOTORTI) SAW IN THE DEVELOPMENT OF TOM A REAFFIRMATION OF THE OST, ESPECIALLY IN ESTABLISHING THE BASIS FOR LDC'S STAKE IN TOM THROUGH ART X EMPHASIS ON COMMONALITY OF BENEFITS FROM LUNAR RESOURCES. HE EXPANDED UPON CZECH DEL RESOURCES REMARK BY STATING THAT IT WOULD BE PREMATURE TO DRAW PARALLELS WITH SEA-BED SITUATIONN STRESSING THAT TWO ENVIRONMENTS AND THEIR RELATIONSHIP TO LDC CONCERNS ARE VERY DIFFERENT. HE SAID THAT AN AGREEMENT ON REGISTRATION WOULD FULFILL ONE OF THE BASIC EXPECTATIONS BEHIND THE OST, AND EXPRESSED HOPE THAT DELS WOULD CARRY ON THE LSC TRADITION OF PRODUCTIVITY.

4. FRENCH DEL CONCLUDED AM SESSION WITH STATEMENT THAT AN OBLIGATORY NATIONAL REGISTRY SYSTEM WOULD CONSTITUTE A SYSTEM OF "NATIONAL PASSPORTS" FOR SPACECRAFT, CONFERRING A "SINGULAR NATIONALITY" ON A SPACE OBJECT. HE WARNED THAT WITHOUT SUCH A SYSTEM OF IDENTIFICATION THE SMOOTH OPERATION OF THE LIABILITY CONVENTION AND ASTRONAUT AGREEMENT WOULD BE JEOPARDIZED BY DISPUTES OVER SPACE OBJECT IDENTITY. HE ANALOGIZED DEVELOPING SPACE OBJECT SITUATION WITH ATHAT OF AIRCRAFT, CITING NEED FOR REGISTRATION TO ESTABLISH "LEGAL LINK" BETWEEN SPACE OBJECTS AND NATIONAL RESPONSIBILITY FOR THEM. HE PROFESSED TO FORESEE NEW AND DIFFICULT "SAFETY PROBLEMS" WITH ADVENT OF THE SPACE SHUTTLE, AND SAID THAT SUCH NEW DEVELOPMENTS WOULD NEED REGULATION. HE SAID THAT IDENTIFICATION BY MARKING SPACE OBJECTS WAS NEEDED TO AVOID UNCERTAINTY REGARDING RESPONSIBILITY FOR SPACE OBJECTS WHICH COULD ARISE IN A SITUATION INVOLVING SEVERAL LAUNCHING STATES, AND THAT MARKING WOULD ALSO HAVE THE VIRTUE OF OVIATING NEED TO PROCEED THROUGH "INTERMEDIARIES" IN SECURING A REMEDY FOR DAMAGE CAUSED BY SPACE OBJECTS. COMMENT: THE REMARKS OF FRENCH DEL APPEAR TO HAVE BEEN PREPARED PRIOR TO FOUR-PARTY TALKS (SEPTEL) IN WHICH SOME OF THE FORE-GOING POINTS WERE DISCUSSED AND REFUTATIONS OFFERED. SCALI

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